

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

NATHAN H. DALTON,	)	CASE NO. 3:10 CV 751
	)	
Petitioner,	)	JUDGE SARA LIOI
	)	
vs.	)	
	)	MEMORANDUM OPINION
STUART HUDSON,	)	AND ORDER
	)	
Respondent.	)	

On April 12, 2010, petitioner *pro se* Nathan H. Dalton, an inmate at the Pickaway Correctional Institution, filed the above-captioned *in forma pauperis* petition for writ of habeas corpus under 28 U.S.C. § 2254. The request to proceed *in forma pauperis* is granted.

A federal court may entertain a habeas petition filed by a person in state custody only on the ground that he is in custody in violation of the Constitution, laws, or treaties of the United States. 28 U.S.C. § 2254(a). In addition, petitioner must have exhausted all available state remedies. 28 U.S.C. § 2254(b).

The sole ground for the petition, asserts Dalton, is “being illegally detained on a post release control violation that was never sanctioned ... .” There is no indication, however, that Dalton is seeking to raise a constitutional claim. Further, even if he were seeking to assert such a claim, it is apparent on the face of the petition that he has not exhausted the claim in

state court. For these reasons, this action must be and is hereby **DISMISSED** without prejudice pursuant to Rule 4 of the Rules Governing Section 2254 Cases. Further, the Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal from this decision could not be taken in good faith, and that there is no basis on which to issue a certificate of appealability. Fed.R.App.P. 22(b); 28 U.S.C. § 2253.

**IT IS SO ORDERED.**

Dated: July 1, 2010

  
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**HONORABLE SARA LIOI**  
**UNITED STATES DISTRICT JUDGE**